

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-31-D

CURTIS JOHNSON,

Plaintiff,

v.

RALEIGH POLICE DEPARTMENT, et al.,

Defendants.

ORDER

On February 5, 2019, Curtis Johnson (“Johnson” or “plaintiff”), appearing pro se, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On February 6, 2019, the court referred the motion to Magistrate Judge Gates for frivolity review [D.E. 4]. On August 8, 2019, Magistrate Judge Gates granted Johnson’s application to proceed in forma pauperis, issued a Memorandum and Recommendation (“M&R”) [D.E. 5], and recommended that the complaint be dismissed. On August 21, 2019, Johnson filed objections to the M&R [D.E. 6].

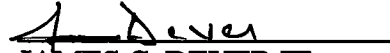
“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff’s objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear

error on the face of the record. As for the objections, the court has reviewed the objections and the M&R de novo. Plaintiff failed to state a claim upon which relief can be granted, and his objections are overruled.

In sum, plaintiff's application to proceed in forma pauperis [D.E. 1] is GRANTED, plaintiff's objections to the M&R [D.E. 6] are OVERRULED, and plaintiff's complaint [D.E. 1-1] is DISMISSED without prejudice.

SO ORDERED. This 25 day of September 2019.


JAMES C. DEVER III
United States District Judge